

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JANE ROE, individually and on behalf of all others similarly situated,)	Case No.: 1:12-cv-02288-JG
)	
)	Judge James S. Gwin
)	
Plaintiff,)	Magistrate Judge Greg White
)	
v.)	DECLARATION OF
)	JENNIFER SEBECK IN SUPPORT
INTELLICORP RECORDS, INC., an Ohio corporation, and DOES 1-50, inclusive,)	OF INTELLICORP RECORDS,
)	INC.'S OPPOSITION TO
)	PLAINTIFF'S MOTION FOR CLASS
)	CERTIFICATION
Defendants.)	

In accordance with 28 U.S.C. § 1746, Jennifer Sebeck declares as follows:

1. I am the Operations Manager of Defendant Intellicorp Records, Inc. ("Intellicorp"). I make this Declaration in support of Intellicorp's Opposition to Plaintiff's Motion for Class Certification. I have personal knowledge of each of the facts stated herein, and if called to testify, could and would testify competently hereto.

2. As Operations Manager, among other things, I oversee Intellicorp's vendor network, data aggregation, quality assurance testing, new client certification, consumer disputes and reinvestigations, copy requests, specialized product access, and execution of the notification letter process.

3. Intellicorp offers more than 650 product types that provide criminal background information to our customers.

4. Each product draws on a unique combination of data sources and search processes.

Intellicorp's Criminal SuperSearch Product

5. Intellicorp's Criminal SuperSearch product draws public criminal record

information from nearly 500 active bulk data sources, including, currently, more than 375 different court record sources in 31 different states, more than 40 state departments of correction, and more than 50 state, territorial and county sex offender registries. The Criminal SuperSearch product accessed by our employer clients for employment screening, searches all of the components of Intellicorp's FCRA criminal records database that exist at the time the search is conducted.

6. The bulk data sources which comprise Intellicorp's Criminal SuperSearch product have changed over time. Sources are added and deleted on an ongoing basis.

7. The available categories of information vary from source to source. In some jurisdictions, state law dictates what information may be made available in bulk data format. In the remaining jurisdictions, the agency or court clerk determines what categories of information it will make available to Intellicorp. In some cases, a source will decide to add or discontinue providing a particular category of information.

8. Each agency or court clerk determines how it will make bulk data available to Intellicorp, how often this data will be updated, and the manner in which the updates will be provided, including the format of the file (e.g., CSV, pipe delimited, etc.).

9. Accordingly, the contents of Intellicorp's criminal database—and the components of its Criminal SuperSearch product—are dynamic, and will vary depending on the date the search is performed, the client's account settings, and the distinct set of the bulk criminal records sources that are present in the database at the time the search is submitted.

10. Intellicorp is constantly seeking to enhance the coverage of its database by adding additional instant data sources. Before new sources are on-boarded, they are evaluated to determine their suitability for inclusion in the criminal records database.

Intellicorp's Single County Criminal Search Products

11. Intellicorp also offers a number of "Single County Criminal" search products, which draw on public record information from courts in more than 3,100 U.S. counties.

12. The sources searched in connection with each Single County Criminal search product vary from county to county, and state to state. Some states, like California, have a single trial court in every county. In other states, like Ohio, jurisdiction over criminal offenses is split among multiple trial courts, including the Court of Common Pleas, County and Municipal Courts.

13. Single County Criminal searches may be processed in one of several different ways, depending on the jurisdiction.

14. Some Single County Criminal searches are fulfilled by WebConnect. WebConnect searches are processed by custom robots that perform automated searches on certain approved websites. In order to be approved for use for an "end to end" search, the website must have data dating back at least seven years, contain data from the same courts that would be searched by a vendor dispatched to that same county for an in-person search, and offer the same fields of information as well as charge levels as those that would be available through an in-person courthouse search in that county.

15. Other Single County Criminal searches are fulfilled by Court Connect. Court Connect searches are processed by Intellicorp's trained in-house researchers, through online searches on certain approved websites. In order to be approved for use for an "end to end" search, the website must have data dating back at least seven years, contain data from the same courts that would be searched by a vendor dispatched to that same county for an in-person search, and offer the same fields of information as

well as charge levels as those that would be available through an in-person courthouse search in that county.

16. Single County Criminal searches may also be fulfilled by Intellicorp's external vendor network. Depending on the jurisdiction, the third party vendor may perform the search remotely through the court's online website, or through an in-person request at the courthouse. In some jurisdictions, e.g., Mason County, Kentucky, the vendor will perform the search at a public access terminal at the courthouse. In others, like Richmond County, Georgia, the vendor will need to submit a written records request to the clerk to complete the search in some circumstances. In still other jurisdictions, like Grant County, South Dakota, the court clerk will perform the entire search herself. And in some jurisdictions, like Washoe County, Nevada, the vendor must submit multiple requests to multiple courts—one to the district court, and one to the justice court—in order to complete the search for that county.

17. As with the bulk data sources, the available categories of information for each Single County Criminal data source vary from source to source.

18. Each court clerk determines what type of information to make available, and how that information will be provided.

19. For example, federal courts refuse to provide date of birth or Social Security Number information.

20. By way of further example, in Portage County, Wisconsin, the online database made available by the court only includes records from December 2011 on.

21. Similarly, in "clerk search" jurisdictions like Grant County, South Dakota, where the clerk performs the search herself, the vendor may not even be permitted to view the actual court record. Instead, the clerk may verbally provide the vendor with the

requested fields of information, or write up a “hit sheet” to give to the vendor.

22. The format of the information provided (e.g., case number or disposition) may also vary widely from source to source, and jurisdiction to jurisdiction. Indeed, many sources will “abbreviate” the dispositions and charge descriptions in different ways, making it near impossible to compare these fields across courts.

23. Currently, there are more than 38,000 different dispositions in Intellicorp’s database.

24. Third-party vendors performing standard Single County Criminal searches do not send Intellicorp a copy of the court record requested. Rather, the vendors submit the results of their search to Intellicorp via “RNNERS,” Intellicorp’s search management application.

25. RNNERS has not been in place for the entire class period; it was launched in 2009. Prior to that, vendors and internal research staff retrieved search requests and submitted the results of their searches via a different search management application known as “In-House.”

26. The method of data entry varies depending on the type of information being entered, and the data made available by the court clerk. For example, in RNNERS, a vendor may enter disposition information by selecting an option from a drop-down menu. Currently, there are 43 different options available on this drop-down menu, including “pending or open” and “other”; these options have changed over time. If a vendor selects “other,” s/he may type in the disposition in his or her own words in the open text field. Vendors may also enter disposition information in a second open text field called “notes.” Each third-party vendor undergoes quality assurance testing before it is brought onboard, and is required to meet a series of pre- and post-qualification

requirements. Each third-party vendor is also subjected to ongoing quality control testing (referred to as “SALTing”).

27. Each in-house Intellicorp researcher also enters the results of his/her search into RNERS, and is subject to ongoing quality assurance testing.

28. The Criminal SuperSearch and Single County Criminal products may and often do search different sources of public record information, even within the same jurisdiction. For example, the Single County Criminal Search product generally is limited to information obtained from court records, whereas the Criminal SuperSearch product includes information from other sources, such as Departments of Correction and Sex Offender Registries that are beyond the scope of the Single County Search. By way of further example, in Cuyahoga County, Ohio, the SuperSearch presently includes bulk data from all 13 lower courts. The Single County Search product for Cuyahoga County includes a search of the Common Pleas Court and the Cleveland Municipal Court, only two of the 14 courts located throughout the county.

29. On the other hand, a Single County Criminal Search may cover one or more jurisdictions that are not included in Intellicorp’s national database, either because bulk data is not available from that jurisdiction or is not updated frequently enough for Intellicorp’s standards.

30. Depending on the jurisdiction and source, the search logic employed by Intellicorp’s proprietary criminal database may differ from the search logic employed by the court system returning a Single County Criminal search result.

31. For example, in Los Angeles County, the court’s LA eCourt Online tool has a “sounds like” search option, which, if selected, will return court records that sound like the name of the subject. This permits users to conduct a more comprehensive record

search, even if they don't know the exact spelling of a subject's name.

32. The New York Office of Court Administration, however, does not have a "sounds like" search option; if even one letter in the subject's name is off, the Single County Search will return "no results."

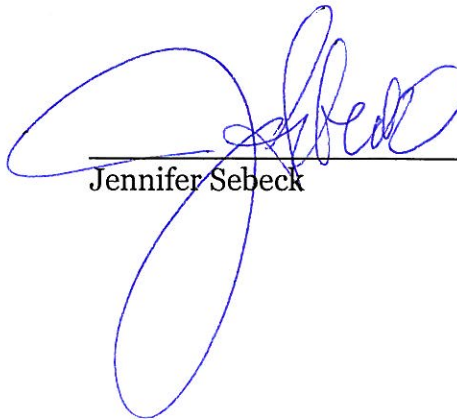
33. As technology has advanced over time, so have the systems and search logic used by the courts to access court records. For example, the Indiana Division of State Court Administration is in the process of implementing a new statewide case management system called Odyssey, which employs wildcard and soundex searching. This enhancement in search logic improves access to records and increases the accuracy of search results in trial courts across the state.

Reports

34. As each search is completed, Intellicorp makes the results of that search product available to its client. The requested report, however, remains "in process" until all requested searches have been completed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2013.



Jennifer Sebeck